



25 JAN 2006

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In re Application of	:	
MIKHALTSEVITCH, Vassili, Timofeevitch, et al.	:	
U.S. Application No.: 10/534,024	:	DECISION ON PETITION
PCT No.: PCT/AU2003/001470	:	UNDER 37 CFR 1.182
International Filing Date: 06 November 2003	:	
Priority Date: 06 November 2002	:	
Attorney's Docket No.: WRA0012-US	:	
For: PROBE COIL FOR DETECTING NQR-	:	
RESPONSIVE MATERIALS IN LARGE	:	
VOLUMES	:	

This decision is issued in response to applicants' "Petition To Change Order Of Inventors In Pending Patent Application Under 37 CFR 1.182" filed 05 December 2005. No petition fee is required.

### **BACKGROUND**

On 06 November 2003, applicants filed international application PCT/AU2003/001470 which claimed a priority date of 06 November 2002 and which designated the United States. On 21 May 2004, a copy of the international application was communicated to the United States Patent And Trademark Office ("USPTO") by the International Bureau ("IB"). The deadline for payment of the basic national fee was thirty months from the priority date, i.e., 06 May 2005.

On 06 May 2005, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 06 October 2005, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date was required.

On 05 December 2005, applicants filed a response to the Notification Of Missing Requirements that included the required surcharge fee, an executed declaration in compliance with 37 CFR 1.497, and the petition considered herein.

**DISCUSSION**

Applicants' present petition requests that the applicants' names be listed in a specific order that differs from the order used in the international application. The requested order corresponds to the order in which the applicants are listed in the declaration filed herein on 05 December 2005. Pursuant to MPEP § 605.04(f), "[t]he order of names of joint patentees in the heading of the patent is taken from the order in which the typewritten names appear in the original oath or declaration." Accordingly, the present petition is moot, in that the requested order of inventors is the order that would be used by the USPTO pursuant to standard procedure.

**CONCLUSION**

Applicants' petition under 37 CFR 1.182 is **DISMISSED AS MOOT**.

The \$130 petition fee submitted by applicants will be refunded to Deposit Account No. 03-3975.

The applicants' names herein will be entered in the order in which these applicants are listed on the declaration filed 05 December 2005 (an order that corresponds to the order requested in the present petition). Specifically, the applicants will be listed in the following requested order:

1. Vassili Timofeevitch MIKHALTSEVITCH
2. Taras Nikolaevitch RUDAKOV
3. Warrick Paul CHISHOLM
4. John Harold FLEXMAN
5. Peter Alaric HAYES

The application is being forwarded to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision, including the entry of the applicants' names into the USPTO database in the order listed above. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 05 December 2005.



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